IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32404 of 2007(G)

PETITIONER:

N.T.THOMAS, NJOTTANKUNNEL,
ATHIRAMPUZHA P.O.,
KOTTAYAM-686 565,

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:
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1. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY PO.PIN 673 635.

2. CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY PO.PIN 673 635.

BY SRI.P.C.SASIDHARAN, SC, UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32404 OF 2007 G
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Dated this the 1st day of November, 2007

J U D G M E N T

Ext.P4 is under challenge. Petitioner also seeks a direction to the 2nd respondent to trace the answer scripts of the petitioner forthwith and declare the results within a time frame.

2. Petitioner appeared for 3rd semester of B.Tech Examination in September 2004 and his result was also declared as per Ext.P1. Thereafter complaining of inaction on Ext.P2, he filed WP(C) No.24487/07, which was disposed of by Ext.P3 judgment directing that the University shall take necessary action within an outer time limit of six months from the date of receipt of a copy of the judgment.

3. According to the University, they tried their best to trace the answer scripts and failed in their endeavour and Ext.P4 letter was issued. By this communication, petitioner was informed of the unsuccessful attempt made by the University to trace out the answer scripts and also giving him yet another

opportunity to appear for a reexamination of the paper to be held on 2/11/2007. It is challenging this communication, the present writ petition has been filed.

4. Learned standing counsel for the University submits that in terms of the regulations, answer scripts need be preserved only for six months and that when an application for revaluation was made, if the answer scripts are not traceable, the University is only required to refund the fee remitted. According to the learned counsel, University has been lenient in this matter and decided that the petitioner should be given yet another chance to appear for the examination and thus attempt to improve his results and that it is on that basis, Ext.P4 has been issued.

In my view, the writ petition is only to be dismissed. The semester in question was held in 2004 and the University is not expected to preserve the answer paper for all years to come. It is only in 2007 petitioner woke up and wanted revaluation of his answer papers. If at this distance of time, answer scripts are not available, the best the University could do was to give yet

another chance to the candidate to improve his performance. This having been done by the University, there is absolutely no error in Ext.P4. Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp